

## SECTION: REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by the undersigned attorney and applicant. Reconsideration of the application is respectfully requested.

### **1. Summary of the Office Action.**

Claim 17 was objected to as being informal.

Claims 1-16 and 18-20 stand rejected under 35 U.S.C §102(b) over Stevens (USP 3654644)

Claim 17 stands rejected under 35 U.S.C §103(a) over Stevens.

### **2. Discussion.**

#### **Claim Objection(s)**

**Claim 17.** This claim was objected to as being informal. Applicant amended the claim to correct the informality. The examiner is thanked for pointing this informality out. Withdrawal of the objection is believed to be in order.

#### **Claim Rejection(s) - 35 USC §102-103**

**Claim 1.** This claim was rejected under 35 USC §102(b) as being anticipated by Stevens. The claim is amended to patentably distinguish and limit over Stevens by defining the invention to require a particular transmission structure of the embodiment of the invention disclosed in Figures 21-27, namely:

a transmission for use with a battery and electric motor having first and second power shafts connected to first and second power sprockets respectively, a first drive chain communicatively connecting the first power sprocket to a lower sprocket on the lower drive roller, and a second drive chain communicatively connecting the second power sprocket to an upper sprocket on the upper drive roller.

This structure and function is not shown, suggested or made obvious by Stevens. In contrast, Stevens shows a hand crank 28 driving a single chain 25 to rotate both upper and lower rollers 18 and 21. These differences are patentably significant because the amended elements relate to advantages the invention has in terms of operating with a battery and electric motor to provide a light weight, reliable, and safe medical device.

The claim has also been amended to recite upper and lower roller, motor, and control circuit elements that structurally and functionally link this particular transmission to the first and second conveyance assemblies. **Claims 9, 11, and 13-15** were canceled in view of this amendment.

Withdrawal of the rejection is requested.

**Claim 6.** This dependent claim stands rejected under 35 USC 102(b) over Stevens.

Applicant contends that the spacers recited in this original claim are not shown or

suggested in the applied reference. In contrast, the structure 29 identified in the office action as being a spacer connecting the chassis is actually a support roller. See column 3, lines 49-50 of Stevens. The claim is believed to be patentable for this reason in addition to those urged with respect to its base claim above.

**Claim 17.** This claim was rejected under 35 USC §103(a) as being obvious over Stevens. The claim is amended to patentably distinguish and limit over Stevens by defining the invention to require:

1. all of the elements added amended claim 1 above;
2. an actuation control lever communicatively connected to the control system, the control lever being manually rotatable by a user in a forward and a reverse direction corresponding to forward and reverse directions of movement of the stretcher, the control lever being biased to return to a neutral position upon manual release by the user, whereby upon manual release of the control lever the power assembly decelerates the stretcher to a stop; and
3. that the control system provides a lag period of a predetermined time for accelerating the stretcher from 0 speed to a maximum speed and for decelerating the stretcher from the maximum speed to 0 speed, whereby the stretcher accelerates and decelerates smoothly and avoids sudden starts and stops to minimize trauma to the transported injured human being.

This structure and function is not shown, suggested or made obvious by Stevens. In contrast, Stevens discloses merely mechanical hand crank. These differences are patentably significant because the amended elements relate to advantages the invention has in terms of: (1) accelerating and decelerating smoothly to avoid sudden starts and stops to thereby minimize trauma to the transported injured human being, (2) providing an automatic safety stop when the operator releases

the actuation control lever. It is submitted that this amendment clearly indicates a narrower interpretation than that of the original claim, which interpretation patentably avoids the applied art. Withdrawal of the rejection is requested.

**Claims 18 and 19.** These claims are canceled without prejudice to expedite prosecution to finality.

**Claim 20.** This claim was also rejected under 35 USC §102(b) as being anticipated by Stevens. The claim is amended to patentably distinguish and limit over Stevens by defining the invention to require a particular patient acquisition process, namely:

- a. acquiring the injured human being on a stretcher by:
  - i. moving the stretcher by powering a lower endless belt;
  - ii. simultaneously moving the patient by powering an upper endless belt; and
  - iii. accelerating the movement of the stretcher lower and upper endless belts over a predetermined period of time from 0 speed to a maximum speed; and
- b. upon acquiring the injured person on the stretcher, decelerating the stretcher from the maximum speed to 0 speed.

This structure and function is not shown, suggested or made obvious by Stevens. In contrast, Stevens discloses hand crank actuation of the upper and lower belts. These differences are patentably significant because the amended elements relate to advantages the invention has in terms of accelerating and decelerating smoothly to sudden starts and stops to minimize trauma to the transported injured human being.

The claim has also been amended to recite upper and lower roller, motor, and control circuit elements that structurally and functionally link this particular transmission to the first and second conveyance assemblies. **Claims 9, 11, and 13-15** were canceled in view of this amendment.

Withdrawal of the rejection is requested.

**Claims 21-26.** These claims are new and specifically define the lag period, manner of acceleration and deceleration, and maximum speed for base independent apparatus and method claims 17 and 20, respectively. Applicant contends that these particular characteristics are not shown or suggested in the applied reference. They all relate to an optimal safe process of patient acquisition. The claim is believed to be patentable for this reason in addition to those urged with respect to its base claim above.

**Remaining Claims.** The remaining dependent claims each adds at least one limitation to the elements of its base claim, and is therefore deemed to be allowable with such base and any intervening claim, at least for this reason.

### **3. Conclusion.**

The claims pending after this amendment are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification,

claims and drawings as filed. It is believed that this case is now in a condition for allowance. Reconsideration and favorable action are respectfully requested.

**Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, he is invited to call at the number below.**

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

<u>Any fees due are calculated as follows:</u>	<u>Number</u>	<u>Fee</u>
TOTAL claims remaining over that previously paid for:	None	\$0
INDEPENDENT claims remaining over that previously paid for:	None	\$0
	SUM claim fees:	\$0
EXTENSION fees:		\$225
OTHER fees:		\$0
	<u>TOTAL AMOUNT (if any)</u>	\$225
<input type="checkbox"/> Paid by enclosed check.		
<input checked="" type="checkbox"/> Paid by enclosed Credit Card Payment Form(s) PTO-2038.		

Respectfully submitted,



Date: 6-13-05

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**REQUEST FOR EXTENSION OF TIME**

Pursuant to 37 C.F.R. 1.136(a), Applicant(s) requests that a 2 month extension be granted in which to file the attached communication from the applicant(s).

A \$ 225 payment, for a small entity, is enclosed for the fee required under 37 CFR 1.17.

Please charge any additional or underpayment in fee due, or credit any overpayment, to Deposit Account No. 19-2381.

Respectfully submitted,



Date: 6-13-05

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